

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW PRESTON MARTELL,

Defendant.

**CR-05-120-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 11, 2023. (Doc. 78.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 10, 2023. (Doc. 74.) The United States accused Andrew Preston Martell, (Martell) of violating his conditions of supervised release 1) by being in the company of a child under the age of 18 without obtaining the prior written approval of his probation officer; 2) by using marijuana; and; 3) by failing to successfully complete his sex offender treatment program. (Doc. 71.)

At the revocation hearing, Martell admitted to violating the conditions of his supervised release 1) by being in the company of a child under the age of 18 without obtaining the prior written approval of his probation officer; 2) by using marijuana; and; 3) by failing to successfully complete his sex offender treatment program. (Doc. 74.) Judge Johnston found that the violations Martell admitted proved to be serious and warranted revocation, and recommended revocation of Martell's supervised release and recommended a custodial sentence for 6 months, with 26 months supervised release to follow. (Doc. 78.) Martell was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 74.) The violations prove serious and warrant revocation of Martell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 78) are **ADOPTED IN FULL. IT IS FURTHER**

**ORDERED** that Defendant Andrew Preston Martell be sentenced to the Bureau of Prisons for 6 months, with 26 months of supervised release to follow.

DATED this 31st day of January, 2023.



Brian Morris, Chief District Judge  
United States District Court

